

April 8, 2003

Dr. Marta Pérez, Member

SUBJECT: REQUEST THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, DEFER PASSING THE PROPOSED AMENDMENT OF SCHOOL BOARD RULE 6Gx13-8C-1.21 –SCHOOL BOARD—METHODS OF OPERATION— LOBBYISTS, AND DIRECT THE SCHOOL BOARD ATTORNEY TO BRING BACK TO THE BOARD A REVISED RULE THAT ADDRESSES DISCLOSURE ON THE PART OF THE PRINCIPALS

Revised

COMMITTEE: BUSINESS AND FINANCIAL SERVICES

The proposed rule is being considered in order to (as stated in Section 1) “preserve and maintain the integrity of the government decision making process by creating public disclosure of expenditures, fees and activities of persons who engage in efforts to influence the actions of the School Board and its employees.”

The real party at interest, who seeks to influence the action, is not the lobbyist, but the person of entity that hires the lobbyist. Under the proposed text of the rule, the Board would be creating a system by which the Board must rely on the integrity and accuracy of the lobbyist to disclose the terms of compensation.

Revised

There are legitimate privacy issues with respect to the State Constitution and with respect to the rules of confidentiality that govern the practice of some who lobby the Board. Lawyers, for example, are regulated and governed by the Florida Supreme Court through the Florida Bar. They are compelled to take an oath, as part of their licensing requirements, which mandates them to preserve confidentiality on all client information.

Revised

Placing the burden on lobbyists, some of whom are lawyers, creates a conflict between their ethical confidentiality requirements and the disclosure requirements of this rule, which may lead to unnecessary litigation. For example, Miami Beach is being challenged in court for taking this type of approach.

In contrast, the Miami-Dade County Commission is taking a different approach in an ordinance sponsored by Commissioner Katy Sorenson. Instead of requiring the lobbyist to disclose the information, the burden, in that proposed ordinance, is on the principal to disclose the terms of compensation of any lobbyist it employs.

Revised

**ACTION PROPOSED BY
DR. MARTA PEREZ:**

Deleted

That The School Board of Miami-Dade County, Florida, defer passing the proposed amendment of School Board rule 6Gx13-8C-1.21 –School Board —Methods of Operation—Lobbyists, and direct the School Board Attorney to bring back to the Board a revised rule that addresses disclosure on the part of the principals.

REVISED
D-3